

IC 13-15-2

Chapter 2. Rules for Issuance of Permits

IC 13-15-2-1

Duty of board to adopt rules

Sec. 1. (a) Each board shall adopt rules under IC 4-22-2 to establish requirements and procedures for the issuance of permits.

(b) In rules for the issuance of permits, each board may do the following:

- (1) Prescribe standards for the discharge, emission, or disposal of contaminants and the operation of any facility, equipment, or device.
- (2) Impose the conditions that are considered necessary to accomplish the purposes of this title.

As added by P.L.1-1996, SEC.5.

IC 13-15-2-2

Allowable uses; content; criteria; priority applications; consistency with federal law

Sec. 2. (a) The boards may adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to issue permits that do the following:

- (1) Provide incentives to owners and operators of facilities to assess the pollution emitted by the facilities into all environmental media.
- (2) Provide incentives to owners and operators of facilities to implement the most innovative and effective pollution control or pollution prevention strategies while maintaining enforceable performance goals.
- (3) Provide incentives to owners and operators of facilities to reduce pollution levels at the facilities below the levels required by law.
- (4) Consolidate environmental requirements into one (1) permit that would otherwise be included in more than one (1) permit.
- (5) Reduce the time and money spent by owners and operators of facilities and the department on administrative tasks that do not benefit the environment.
- (6) Provide owners and operators of facilities with as much operational flexibility as can reasonably be provided while being consistent with enforcement of permit requirements.

(b) The rules adopted under this section may provide for permits that contain the following:

- (1) Authorization of emission trading.
- (2) Consolidated reporting mechanisms.
- (3) Third party certifications.
- (4) Multimedia regulation.
- (5) Other conditions consistent with subsection (a).

(c) The rules adopted under this section must provide that a permit issued under the rules adopted under this section meets the following criteria:

(1) Activities conducted under the permit must result in greater overall environmental protection than would otherwise be achieved under applicable law.

(2) Upon issuance of a permit, all limits, conditions, and standards contained in the permit are enforceable under IC 13-30-3.

(3) The permit applicant must give notice in accordance with IC 13-15-8, and the commissioner shall give notice to the public and provide an opportunity to comment on the proposed permit in accordance with IC 13-15-5.

(d) The rules adopted under this section must allow the department to give priority to applications involving permits that are issued as described in this section based on:

(1) the degree of environmental benefit that may be obtained under the permit;

(2) the potential application of any innovative control technologies or regulatory procedures that may be made available to other permit applicants and permit holders; and

(3) other criteria that the boards may establish.

(e) The rules adopted under this section must be consistent with federal law for federally authorized or delegated permit programs.

As added by P.L.128-1996, SEC.2.